

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 4/23/2013	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from The Unruh Family Trust, et al; from Cheryl A. Weidmann, Trustee, et al; and from Dan W. York and Sarah Christie for the La Panza Road Widening Project, Creston. District 5.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> <li>1. Approve and execute the Unruh, Weidmann, and York-Christie Right of Way Agreements and accept the accompanying Public Road and Slope Easement Deeds by execution of the attached Certificates of Acceptance; and direct the Clerk to return to the Department of Public Works for processing; and</li> <li>2. Authorize the Public Works Director, or his designee, to perform the following remaining duties associated with the acceptance of the real property interests:             <ul style="list-style-type: none"> <li>• Execute any remaining escrow or payment related documents necessary to close the transactions associated with these real property interests.</li> <li>• Deliver original Grant Deed upon final processing to the County Clerk's office for final recordation.</li> </ul> </li> </ol>			
(6) FUNDING SOURCE(S) Federal Highway Safety Improvement Program (HSIP), Prop 1B, Road Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$15,000.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____ ) <input type="checkbox"/> Board Business (Time Est. ____ )			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 5 -			

Reference: 13APR23-C-1

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works  
Phil Acosta, Right of Way Agent

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 4/23/2013

SUBJECT: Submittal of right of way documents accepting conveyance from The Unruh Family Trust, et al; from Cheryl A. Weidmann, Trustee, et al; and from Dan W. York and Sarah Christie for the La Panza Road Widening Project, Creston. District 5.

### **RECOMMENDATION**

It is our recommendation that your Honorable Board:

1. Approve and execute the Unruh, Weidmann, and York-Christie Right of Way Agreements and accept the accompanying Public Road and Slope Easement Deeds by execution of the attached Certificates of Acceptance; and direct the Clerk to return to the Department of Public Works for processing; and
2. Authorize the Public Works Director, or his designee, to perform the following remaining duties associated with the acceptance of the real property interests:
  - Execute any remaining escrow or payment related documents necessary to close the transactions associated with these real property interests.
  - Deliver original Grant Deed upon final processing to the County Clerk's office for final recordation.

### **DISCUSSION**

La Panza Road is a rural collector located east of Creston between State Routes 41 and 58. The project will improve a portion of the road from Ryan Road to Hord Valley Road by constructing four foot (4') paved shoulders and relocating an adjacent drainage ditch. The project's objective is to improve road safety by having a recoverable shoulder and eliminating or reducing roadside obstacles. The current project has been developed from a study of multiple design alternatives and various environmental, budgetary and regulatory parameters to achieve the best solution for the project location.

The attached Right of Way Agreements and Public Road and Slope Easement Deeds from The Unruh Family Trust, et al; Cheryl A. Weidmann, Trustee, et al; and from Dan W. York and Sarah Christie will provide the County and its contractors with a portion of the real property rights required to construct the proposed widening project and related slope and drainage features.

These acquisitions are based upon fair market value determined by staff appraisals. The approval and execution of the Right of Way Agreements and the acceptance of the related Public Road and Slope Easement Deeds, by execution of the attached Certificate of Acceptance, will allow the Department to proceed with processing and payment pursuant to the Agreements.

#### Overall Right of Way Requirements for the Project

Your Board previously accepted documents for three La Panza right of way transactions on February 26, 2013. The acceptance of the three current sets of right of way documents will enable closure of six (6) of twelve (12) right of way transactions required for the project. Two additional transactions are anticipated for submittal to you for approval within the next month for a total of eight (8) successful negotiations. Three Resolutions of Necessity were previously adopted by your Board on March 26, 2013, and an additional Resolution of Necessity is scheduled for hearing on April 23, 2013.

As a safety project, the La Panza Road project was awarded a \$900,000 Highway Safety Improvement program (HSIP) grant from the Federal Highway Administration. Caltrans oversees the delivery of HSIP projects and holds agencies to a strict performance standard for program delivery of needed safety projects pursuant to Federal Highway Administration regulations. Should the project be delayed or deferred from its fiscal year delivery, the County will have a high exposure to becoming ineligible to apply for future Federal HSIP grants. As a result, obtaining the right of way on adjoining properties is critical for both the project's safety purpose and for maintaining the County's future eligibility on other safety grant projects.

#### OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the attached documents as to legal form and effect. The San Luis Obispo County Environmental Coordinator has provided necessary clearance for this project by Mitigated Negative Declaration approved by your Board on June 5, 2012 (Item 22).

Caltrans is providing oversight due to the Federal funding for the project.

#### FINANCIAL CONSIDERATIONS

The Right of Way Agreements provide for the following compensation in accordance with the pertinent title vesting(s):

##### **Unruh:**

- |  |                    |
|--|--------------------|
| a) Loretta Irene Unruh, Trustee of the Dean Russell Tenny Trust<br>Established as a part of The Tenny Family Trust Dated April 12, 1993,<br>as to an undivided ½ <b>interest</b> | \$ 3,200.00        |
| b) Loretta I. Unruh and Douglas A. Unruh, Trustees of The Unruh Family<br>Trust Dated August 15, 2012, as to an undivided ½ <b>interest</b>                                      | <u>\$ 3,200.00</u> |
| Total Unruh  | \$ 6,400.00        |

**Weidmann:**

Cheryl A. Weidmann, Trustee of the Exemption Trust Under the Weidmann Family Trust Dated December 4, 2003	\$ 6,000.00
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**York-Christie:**

Dan W. York and Sarah Christie	\$ 2,600.00
<b>Total all parties</b>	<b><u>\$15,000.00</u></b>

This project is a multi-year project budgeted in Road Fund for FY 2012-13 WBS 300397 in the amount of \$2,031,852. The project will receive funds from Federal Highway Safety Improvement Program (HSIP), Proposition 1B and Road funds.

**RESULTS**

Approval of the recommended actions will result in the appropriation of property rights required for this budgeted project. Completion of the project will improve safety by allowing more recovery room for vehicles along La Panza Road.

File: WBS 300397.05 (La Panza Road Widening Project)

Reference: 13APR23-C-1

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**ATTACHMENTS**

1. Vicinity Map
2. Right of Way Agreement (Unruh)
3. Public Road and Slope Easement Deed (Unruh)
4. Right of Way Agreement (Weidmann)
5. Public Road and Slope Easement Deed (Weidmann)
6. Right of Way Agreement (York-Christie)
7. Public Road and Slope Easement Deed (York-Christie)